



General Assembly

Distr.: General
28 December 2007
English
Original: Spanish

Sixty-second session

Agenda item 24

Question of the Falkland Islands (Malvinas)

Letter dated 21 December 2007 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General

I have the honour to enclose herewith the following texts:

- Annex I. Note from the Argentine Government addressed to the Permanent Representation of Portugal to the European Union, currently holding the Presidency of the Council of the European Union, the Presidency of the European Commission and the Presidency of the European Parliament
- Annex II. Note from the Argentine Government addressed to the Embassy of the United Kingdom of Great Britain and Northern Ireland
- Annex III. Press release from the Argentine Government.

The Argentine Government would be grateful if this letter and its annexes could be circulated as a document of the General Assembly under agenda item 24.

(Signed) Jorge Argüello
Ambassador
Permanent Representative



Annex I to the letter dated 21 December 2007 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General

Note from the Argentine Government address to the Permanent Representation of Portugal to the European Union, currently holding the Presidency of the Council of the European Union, the Presidency of the European Commission and the Presidency of the European Parliament

Brussels, 13 December 2007

The Embassy of the Argentine Republic to the European Union has the honour to refer to the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, which was signed in that city today, 13 December 2007, by the Heads of State and Government of the member States of the European Union.

With regard to the list of overseas countries and territories (annex II) to which the "Association of the overseas countries and territories" regime provided for in part four of the Treaty establishing the European Community applies, the Argentine Republic recalls that the Malvinas Islands, South Georgia and the South Sandwich Islands, as well as the Argentine Antarctic Sector, are an integral part of its national territory.

Accordingly, the Argentine Government rejects the attempt to include those parts of the Argentine national territory in the list of territories to which the "Association of the overseas countries and territories" regime provided for in the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community signed on 13 December 2007 applies.

The Argentine Republic reiterates its position, as set forth in its note CEE No. 43 of 25 July 1972 addressed to the Secretary-General of the Council on the occasion of the signing of the Treaty of Accession of the United Kingdom of Great Britain and Northern Ireland to the European Community and in subsequent communications in which the Argentine Republic rejected the inclusion of the Malvinas Islands, South Georgia and the South Sandwich Islands, as well as the so-called "British Antarctic Territory", in the list of territories to which part four of the Treaty establishing the European Community applies, reiterated its position and made an express reservation regarding its sovereign rights over the Malvinas Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas, and over the Argentine Antarctic Sector.

The Argentine Republic further recalls that when it became aware that the draft treaty amending the Treaty on European Union and the Treaty establishing the European Community had been approved by the Heads of State and Government of the member States of the European Union and found that the new text still included the Argentine territories illegally occupied by the United Kingdom, in the list of overseas countries and territories, the Argentine Government reaffirmed its sovereignty over the Malvinas Islands, South Georgia and the South Sandwich Islands, reiterated its position and once again informed the European institutions of its rejection of the attempt to include those parts of the Argentine national territory

in the list of overseas territories to which the "Association of the overseas countries and territories" regime applies, in notes CEE Nos. 99, 100, 101 and 102 of 5 November 2007, addressed to the Presidencies of the Council, the European Commission and the European Parliament and to the Secretary-General of the Council of the European Union, respectively, and to all the member States of the European Union.

The attempt to include the Argentine islands of the South Atlantic, which are an integral part of the Argentine national territory, in the list of overseas territories to which the "Association of the overseas countries and territories" regime applies is in violation of Argentina's sovereignty over those islands. With regard to the Malvinas Islands, South Georgia and the South Sandwich Islands, it is also contrary to the fact that in view of their illegal occupation by the United Kingdom, those archipelagos are the subject of a sovereignty dispute recognized by the United Nations and other international organizations.

The Argentine Government expects the European Union and its member States to bear in mind that the shared obligation of Argentina and the United Kingdom to resolve this dispute necessarily and inevitably requires that all other States, individually and in their collective action, must refrain from carrying out acts that could impede the fulfilment of that obligation. That entails refraining from carrying out acts that distort the nature and scope of the dispute and also from assisting either of the parties to the dispute in carrying out unilateral acts in overt violation of resolutions of the United Nations General Assembly.

Furthermore, the Argentine Republic calls upon the European Union, in accordance with the principles of international law, to take into account the existence of the sovereignty dispute between Argentina and the United Kingdom over the Malvinas Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas, so that any reference to those territories in the documents of the European Union reflects their disputed status.

It should also be noted that the inclusion of the so-called "British Antarctic Territory" in the list referred to above does not in any way affect the rights of the Argentine Republic over the Argentine Antarctic Sector. It is also necessary to bear in mind the provisions of article IV of the Antarctic Treaty, to which both the Argentine Republic and the United Kingdom are parties.

The Argentine Government reaffirms its legitimate rights of sovereignty over the Malvinas Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas, as well as over the Argentine Antarctic Sector.

Annex II to the letter dated 21 December 2007 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General

Note from the Argentine Government addressed to the Embassy of the United Kingdom of Great Britain and Northern Ireland

Buenos Aires, 13 December 2007

The Office of the Under-Secretary for Foreign Policy in the Ministry of Foreign Affairs, International Trade and Worship presents its compliments to the Embassy of the United Kingdom of Great Britain and Northern Ireland and has the honour to refer to the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, which was signed in that city today, 13 December 2007, by the Heads of State and Government of the member States of the European Union, in connection with the inclusion of the Malvinas Islands, South Georgia and the South Sandwich Islands and the so-called "British Antarctic Territory" in annex II of the Treaty establishing the European Community.

The Argentine Government strongly objects to the inclusion in the aforementioned annex II of the Malvinas Islands, South Georgia and the South Sandwich Islands, which are an integral part of the territory of the Argentine Republic and are illegally occupied by the United Kingdom of Great Britain and Northern Ireland.

In this regard, it notes that the inclusion of these territories in annex II, which refers to part four, "Association of the overseas countries and territories", of the Treaty establishing the European Community, in no way affects the sovereignty and jurisdiction of the Argentine Republic over these territories.

Furthermore, it points out that the inclusion of the so-called "British Antarctic Territory" in the aforementioned annex II does not affect the rights of the Argentine Republic in the Argentine Antarctic Sector, which is an integral part of the territory of the Argentine Republic. It also stresses that the provisions of article IV of the Antarctic Treaty signed on 1 December 1959, to which the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland, among other States, are parties, must be borne in mind.

The Argentine Republic reiterates the position set forth in note No. FO/215 of 6 July 1972, addressed to the Secretary of State for Foreign and Commonwealth Affairs, and in note CEE No. 43 of 25 July 1972, addressed to the Secretary-General of the Council of the European Union, on the occasion of the signing of the Treaty of Accession of the United Kingdom to the European Community, and in subsequent communications, in which the Argentine Republic rejected the inclusion of the Malvinas Islands, South Georgia and the South Sandwich Islands, as well as the so-called "British Antarctic Territory" in the list of overseas countries and territories to which part four of the Treaty establishing the European Community applies, reiterated its position and made an express reservation regarding its sovereign rights over the Malvinas Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas, and over the Argentine Antarctic Sector.

Accordingly, the Government of Argentina has enclosed copies of notes CEE No. 117/07 to the Presidency of the Council of the European Union, CEE

No. 115/07 to the Presidency of the Commission and CEE No. 116/07 to the Presidency of the European Parliament, of 13 December 2007, reaffirming its position to the European institutions on the occasion of the signing of the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community.

The Argentine Government recalls that the United Nations General Assembly has adopted resolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12, 39/6, 40/21, 41/40, 42/19 and 43/25, recognizing the existence of a sovereignty dispute, referred to as the "Question of the Malvinas", and urging the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland to resume negotiations in order to reach a peaceful, just and lasting solution to the dispute as soon as possible.

For its part, on 21 June 2007, the United Nations Special Political and Decolonization Committee once again took the position that the way to put an end to the special and particular colonial situation in the "Question of the Malvinas" is the peaceful and negotiated settlement of the dispute over sovereignty between the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland.

The United Kingdom has ignored the repeated calls of the international community to resolve the sovereignty dispute over the Malvinas Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas referred to above, despite the continued willingness to resume negotiations expressed by the Argentine Republic.

The Argentine Government deeply regrets the continuing refusal of the British Government to resume bilateral negotiations in order to resolve the sovereignty dispute over the Malvinas Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas. The Argentine Government also considers that this refusal, which is contrary to the United Kingdom's obligations as a party to the dispute, is incompatible with the principles of the Charter of the United Nations.

The Argentine Government further considers that the British Government should not continue to ignore both the existence of this bilateral dispute and its consequences in its relations with the member States of the European Union, which are committed to going ahead with the most advanced regional integration initiative that currently exists.

The Argentine Republic reaffirms its sovereign rights over the Malvinas Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas, which are an integral part of its national territory.

**Annex III to the letter dated 21 December 2007 from
the Permanent Representative of Argentina to the
United Nations addressed to the Secretary-General**

Press release

Buenos Aires, 13 December 2007

**Argentina rejects the inclusion of the Malvinas Islands, South Georgia and
the South Sandwich Islands and the Argentine Antarctic Sector in the Treaty
of Lisbon**

As part of its constant policy of reaffirmation of its legitimate sovereign rights over the Malvinas Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas, in accordance with the constant and unwavering objective of the Argentine people, enshrined in the national Constitution, to regain the full exercise of Argentine sovereignty over our southern archipelagos, today, 13 December 2007, the Argentine Government informed the institutions and member States of the European Union of its rejection of the attempt to include parts of the Argentine national territory in the list of countries and territories to which the "Association of the overseas countries and territories" regime of the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community applies.

In the context of this constant policy of unwavering and irrevocable reaffirmation of the sovereignty of the Argentine Republic over these territories, as affirmed by Ms. Cristina Fernández de Kirchner, the President of Argentina, in her speech to the legislative assembly on 10 December upon taking office, and without prejudice to the fact that inclusion in the aforementioned list in no way affects the legitimate sovereign rights of the Argentine Republic over the Malvinas Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas as well as the Argentine Antarctic Sector, the Argentine Government, at the time of the signing of the Treaty of Lisbon, rejected that attempted inclusion, while reserving and reaffirming its sovereign rights.

Furthermore, today the Argentine Government delivered a protest note to the Embassy of the United Kingdom, firmly rejecting that attempted inclusion and confirming the position and the sovereign rights of the Argentine Republic.

In line with this constant policy, both at the time of the negotiations and when learning of the adoption of the draft treaty to reform the European treaties which was signed at Lisbon, in October and November 2007 respectively, the Argentine Government reiterated to the presidencies of the Council, the European Commission and the European Parliament and to the member States of the European Union its rejection of the attempt to include the Malvinas Islands, South Georgia and the South Sandwich Islands in the list of overseas countries and territories to which the regime of association envisaged in part four of the Treaty establishing the European Community applies.

In all its statements, the Argentine Government reaffirmed its sovereignty over these archipelagos, which are an integral part of the Argentine national territory, and recalled that, since they are being illegally occupied by the United Kingdom, these

archipelagos are the subject of a sovereignty dispute which has been expressly recognized as such by the United Nations and other international organizations and that the shared obligation of Argentina and the United Kingdom to resolve this dispute necessarily and inevitably requires that all other States, individually and in their collective action, must refrain from carrying out acts that could distort the nature and scope of the dispute, and refrain from assisting either of the parties to the dispute in carrying out unilateral acts in overt violation of the resolutions of the United Nations General Assembly.

It also rejected the attempt to include, in that list, the so-called "British Antarctic Territory", which in no way affects the rights of the Argentine Republic over the Argentine Antarctic Sector, and recalled the provisions of article IV of the Antarctic Treaty, to which both Argentina and the United Kingdom are parties.

The Argentine Government reaffirms its legitimate rights of sovereignty over the Malvinas Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas, as well as over the Argentine Antarctic Sector.